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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 4th December, 1987:—

I

BILL No. XLV OF 1987

A Bill to provide for the prevention of practice and glorification of sati and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Sati Prevention Act, 1987;

(*2*) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "glorification" in relation to the practice of sati includes the observance of any ceremony or taking out of a procession in connection with the sati or the creation of a trust or the collection of funds or the construction of a temple with a view to perpetuating the honour of, or to preserve the memory of, the person who committed sati;

(*b*) "sati" means the burning or burying alive of any widow along with the body of her deceased husband or with any article, object or thing associated with the husband, irrespective of whether such burning or burying is voluntary on the part of the widow or otherwise;

(*c*) "Special Court" means a Special Court constituted under section 9;

(*d*) "temple" includes any building or other structure whether roofed or not, constructed to preserve the memory of a widow who committed sati and used, or intended to be used, for the purpose of worship or offering prayers;

(*e*) "words and expressions used but not defined in this Act and defined in the Indian Penal Code or in the Code of Criminal Procedure, 1973, shall have the same meanings as are assigned to them in the Indian Penal Code or the Code of Criminal Procedure. 45 of 1860. 2 of 1974.

Attempt to commit sati.

3. Notwithstanding anything contained in the Indian Penal Code, whoever attempts to commit sati and does any act towards such commission shall, be punishable with imprisonment for a term which shall not be less than one year but may extend to five years and shall also be liable to fine which shall not be less than five thousand rupees but may extend to twenty thousand rupees.

Abetment of sati.

4. (*1*) Notwithstanding anything contained in the Indian Penal Code, whoever abets the commission of such sati either directly or indirectly and any person commits such sati as a result of such abetment shall be punishable with death or imprisonment for life and shall also be liable to fine.

(*2*) whoever abets attempt to commit sati and if any person attempts to commit such sati as a result of such abetment shall be punishable with imprisonment for life and shall also be liable to fine.

Explanation.—For the purposes of this section, any of the following acts shall be deemed to be an abetment, namely:—

(*a*) any inducement to a widow to get herself burnt or buried alive along with the body of her deceased husband or with any article, object or thing associated with him, irrespective of whether she is not in a fit state of mind or is labouring under a state of intoxication or stupefaction or suffering from any other cause impeding the exercise of her free will;

(*b*) anything done towards making a widow believe that the performance of sati would result in some spiritual benefit to her or to her deceased husband or in the general wellbeing of the family;

(*c*) anything done towards encouraging a widow to remain in her resolve and instigating her to commit sati;

(*d*) participation in any procession in connection with the commission of sati or an act of intentionally aiding the widow in her decision to commit sati by taking her along with the body of her deceased husband to the cremation ground;

(*e*) any act of obstructing, or interfering with, the police in the discharge of its duties in taking effective steps to prevent the commission of sati;

(*f*) any act of preventing or obstructing the widow from saving herself from being burnt or buried alive; and

(*g*) presence at the place where sati is being committed as an active participant in such commission or in any ceremony connected therewith.

Punishment for glorification of sati.

5. Whoever does any act for the glorification of sati shall be punishable with imprisonment for a term which shall not be less than one year but may extend to seven years and with fine which shall not be less than five thousand rupees but extend to thirty thousand rupees.

Power to prohibit certain Acts.

6. (*1*) Where the District Magistrate is of the opinion that sati is being, or is about to be committed in any area he may, by order, prohibit the doing of any act towards the commission of sati in such area and for such period as may be specified in the order.

(*2*) The District Magistrate may also, by order, prohibit the glorification, in any manner, of the commission of sati by any person in any area or areas specified in the order.

(*3*) Whoever contravenes any order made under sub-section (*1*) or sub-section (*2*) shall, if such contravention is not punishable under any other provision of this Act, be punishable with imprisonment for a term which shall not be less than one year but may extend to seven years and with fine which shall not be less than five thousand rupees but may extend to thirty thousand rupees.

Power to remove temples or other structures.

7. (*1*) The District Magistrate may, if he is satisfied, that any temple or other structure has been, or is being, constructed for the glorification of the sati in violation of any order made under section 6, direct the removal of any such temple or other structure.

(*2*) Where any order under sub-section (*1*) is not complied with the District Magistrate shall cause the temple or other structure to be removed through a police officer not below the rank of a Sub-Inspector at the cost of the defaulter.

Power to seize certain properties.

8. (*1*) Where the District Magistrate has reason to believe that any funds have been, or any property has been, collected or acquired for the purpose of glorification of the commission of any sati or which may be found under circumstances which create suspicion of the commission of any offence under this Act, he may seize such funds or property;

(*2*) Every District Magistrate acting under sub-section (*1*) shall report the seizure to the Special Court, if any, constituted to try any offence in relation to which such funds or property were collected or acquired and shall await the orders of such Special Court as to the disposal of such funds or property.

Trial of offences by Special Courts.

2 of 1974.

9. (*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be triable only by a Special Court.

(2) No person shall be qualified for appointment as a Judge of a Special Court unless he is in the cadre of a District and Session Judge in a State.

Procedure and powers of Special Courts.

10. A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence or upon a police report of such facts.

Forfeiture of funds or property.

11. A special court, trying any offence under this Act, may, irrespective of whether any punishment has been awarded or not, declare that any funds or property seized under section 8 shall stand forfeited to the Central Government.

Appeal.

12. (1) An appeal shall lie as a matter of right from any judgement, sentence or order, not being an interlocutory order of a Special Court, to the respective High Court on facts and on law.

(2) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgement, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the period of thirty days.

Protection of action taken under this Act.

13. No suit, prosecution or other legal proceedings shall lie against the Central Government or any officer or authority of the Central Government for anything which is done in good faith or intended to be done in pursuance of this Act or any rules or orders made under this Act.

Burden of proof.

14. Where any person is prosecuted an offence under section 3 or section 4 the burden of proof that he had not committed the offence under the said sections shall be on him.

STATEMENT OF OBJECTS AND REASONS

In spite of the provisions in the law for the prevention of suicide, the continuance of sati and its glorification has been increasing in the recent years.

The Code of Criminal Procedure, 1973 contains provisions to prosecute a person for abetment. This has not proved effective in the prevention of sati and its glorification.

Hence, this Bill.

BAPU KALDATE.

II

BILL NO. XLVI OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1987.

Insertion of new article 17A.

2. After article 17 of the Constitution, the following article shall be inserted, namely:—

Abolition of Ex-communication.

"17A. Ex-communication is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "ex-communication" shall be an offence punishable in accordance with law.".

Amendment of article 26.

3. In article 26 of the Constitution, for the words "public order, morality and health", the words "public order, morality, health and the other provisions of this constitution" shall be substituted.

4. After article 26 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 26A.

"26A. (1) Use of places of religious worship or premises belonging to any religion, or a religious organisation or a religious institution, for any political or other non-religious activity is prohibited and shall be an offence punishable in accordance with law. Prohibition of use of place of religious worship for political purposes.

(2) All religious bodies, organisations and institutions shall maintain regular accounts of all monies, articles and other property, movable and immovable, received or acquired by them in the manner prescribed and the accounts so maintained shall be open to inspection by the authority empowered by Parliament by law."

5. In article 102 of the Constitution in clause (1),— Amendment of article 102.

(*i*) sub-clauses (*b*), (*c*), (*d*) and (*e*) shall be re-lettered as (*c*), (*d*), (*e*) and (*f*), respectively; and

(*ii*) before sub-clause (*c*), as so re-lettered, the following shall be inserted, namely:—

"(*b*) if he holds any office in any religious organisation, establishment, institution or order;".

6. In article 191 of the Constitution, in clause (1),— Amendment of article 191.

(*i*) sub-clauses (*b*), (*c*), (*d*) and (*e*) shall be re-lettered as (*c*), (*d*), (*e*) and (*f*), respectively; and

(*ii*) before sub-clause (*c*), as so re-lettered, the following shall be inserted, namely:—

"(*b*) if he holds any office in any religious organisation, establishment, institution or order;".

STATEMENT OF OBJECTS AND REASONS

It is necessary to take appropriate legislative measures providing for ban on ex-communication which is a weapon wielded by religious leaders against secular functionaries belonging to their faith to prevent them from discharging their constitutional duties and obligations to the society, for prevention of mis-utilisation of the funds of religious institutions for political purposes, for disqualification of religious heads or persons holding any religious office from contesting any election from Gram Panchayat to Parliament and for ban on parties with communal labels or whose membership is restricted to the members of a religious community so as to exclude them from participating in elections.

This Bill seeks to achieve the above objectives.

MURLIDHAR CHANDRAKANT BHANDARE.

III

BILL NO. XLVII OF 1987

A Bill to provide for the prevention of misuse of religion and religious institutions, and for that purpose to provide for effective control of properties and places of worship of all religions, certain disqualifications in the Representation of the People Act, 1951 and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Prevention of Misuse of Religion and Religious Institutions Act, 1987.

Religious premises and places of worship not to be used for political purposes.

2. Whoever makes use of religious premises and places of worship belonging to a religion, religious denomination, religious institution or organisation for any political or non-religious purpose or activity shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

Penalty for practice of ex-communication.

3. Any person or group of persons who in the name of a religion claims the authority to practice ex-communication and in the exercise of that authority ex-communicates or is responsible for ex-communication or threatens to ex-communicate any citizen of India belonging to that religion and thereby interferes with the discharge of his constitutional duties or endorses and enforces any disability arising out of such ex-communication of either description which may extend to ten years and shall also be liable to fine.

Penalty, for failing to keep proper accounts and to get them audited.

4. (*1*) Every religious endowment or religious institution shall keep regular and proper accounts of all receipts and disbursements and of acquisitions and disposals of property both movable and immovable for each financial year separately in such form and containing such particulars as may be specified by the appropriate authority of the Central Government.

(2) Every religious endowment or religious institution whose annual income for the particular year immediately preceding exceeds rupees one lakh shall get its accounts audited annually by the auditors appointed for the purpose by the aforesaid appropriate authority.

(3) If any religious endowment or religious institution fails to keep proper accounts and to get them audited as provided in sub-section (1) or sub-section (2), the person or persons in that religious endowment or religious institution responsible for keeping accounts and getting them audited shall be punished with imprisonment of either description which may extend to ten years and shall also be liable to fine.

Amendment of Representation of the People Act, 1951.

5. In the Representation of the People Act, 1951, after section 9A, the following sections shall be inserted, namely:— 43 of 1951.

Disqualification for holding office in any religious, organisation, etc.

"9B. A person shall be disqualified, if, and for so long as, he holds any office in any religious organisation, establishment, institution or order or has held such office within one year preceding the date of such election.

Disqualification for being a candidate of any religious body, party, etc.

9C. NOTWITHSTANDING anything contained in any law for the time being inforce a person shall be disqualified if he is a candidate set up or sponsored by any party, association or body of persons whose membership is limited to the members of any race, religion or community or whose name indicates the racial, religious or communal character of the body."

STATEMENT OF OBJECTS AND REASONS

It is necessary to take appropriate legislative measures providing for religious premises and places of worship not to be used for political purposes, to provide penalty since interference of religion with politics cannot be permitted under our Constitution providing for penalty for the practice of ex-communication, providing penalty for failure to keep proper accounts and to get them audited by the religious institutions and providing for disqualification for any person holding any office in any religious organisation, establishment, institution or other bodies, from contesting the elections under the Representation of People Act.

This Bill seeks to achieve the above objectives.

MURLIDHAR CHANDRAKANT BHANDARE.

SUDARSHAN AGARWAL,
Secretary-General.

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